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Attorney Docket No.: 015270-00892005
Client Ref. No.: 334-US-NEW2

TOWNSEND and TOWNSEND and CREW LLP

By: Rosemarie L. Allen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dale B. Schenk et al.

Application No.: 10/699,517

Filed: October 31, 2003

For: PREVENTION AND TREATMENT
OF SYNUCLEINOPATHIC DISEASE

Customer No.: 20350

Confirmation No. 8113

Examiner: Steven H. Standley

Technology Center/Art Unit: 1646

AMENDMENT

Fees only

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 7, 2005, please enter the following
amendments and remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this
paper.

Remarks/Arguments begin on page 12 of this paper.

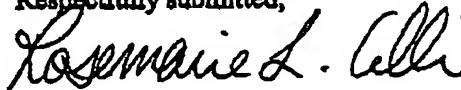
Application No. 10/699,517
Amendment dated July 1, 2005
Reply to Office Action of April 7, 2005

In proceedings before the Patent and Trademark Office, the examiner bears the burden of establishing a prima facie case based upon the prior art (*In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984)). Here, the cited reference refers separately to Aß and Parkinson's disease but never in the same sentence or paragraph or otherwise in a manner that clearly conveys an intent to administer Aß for the treatment of Parkinson's disease. As discussed above, it is in fact unlikely that this was what Jensen intended. However, insofar as there is doubt on this issue, the doubt should inure to the benefit of the applicant given that the burden of proof rests with the Patent Office.

¶¶87-90. Claims 41, 44, 45, 50, 71, 74, and 75 stand rejected as allegedly anticipated by US Jensen, 2003/0086938. This rejection raises the same issues as discussed in responding to paragraphs 83-86 and applicants respond as above.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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